

WILLKIE FARR & GALLAGHER LLP

787 Seventh Avenue
New York, NY 10019-6099
Tel: 212 728 8000
Fax: 212 728 8111

September 2, 2022

VIA ECF

The Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Thomas Barrack, et al., 1:21-cr-371 (BMC) (S-1)

Dear Judge Cogan:

We write to respectfully request that the Court compel the government to identify the specific portions of certain voluminous government exhibits that it intends to introduce at trial. The government has identified over 700 documents totaling over 23,000 pages as potential exhibits in this trial. Several of the government's exhibits are hundreds or even thousands of pages long. For many of these exhibits, the government has identified, and separately marked, the specific subparts of the document that it intends to offer at trial. But it has refused to do so for other exhibits. For example, GX 706 is a 2,256 page document consisting of a single individual's phone records over a period of *three years*. Defense counsel requested that the government identify the specific portions of this 2,256 page exhibit that it intends to admit in evidence and display to the jury. On August 24, the government responded that it does not believe the defense is "entitled to that information at this stage." The same day, defense counsel requested to meet and confer with the government on this issue. To date, defense counsel has received no response from the government. (Ex. 1).

As the Court is well aware, the trial in this case begins in 17 days. It is imperative that the defense understands the specific evidence the government intends to offer at trial. It would be improper for the government to employ a "hide the ball" approach at this stage of the case. Accordingly, we ask that Court compel the government to identify the specific portions of all government exhibits exceeding 200 pages that it intends to offer into evidence by Tuesday September 6, less than two weeks before the start of trial. We appreciate the Court's consideration.

Respectfully submitted,

WILLKIE FARR & GALLAGHER LLP

/s/ Michael S. Schachter

Michael S. Schachter
Randall W. Jackson
Casey E. Donnelly
Steven J. Ballew
Jordan D. Reisch

O'MELVENY & MYERS LLP

James A. Bowman

Counsel for Defendant
Thomas J. Barrack, Jr.

Cc (via ECF): Hiral D. Mehta
Nathan Daniel Reilly
Ryan C. Harris
Samuel P. Nitze
Craig R. Heeren
Matthew John McKenzie

WINSTON & STRAWN LLP

/s/ Abbe David Lowell

Abbe David Lowell
Christopher D. Man
Sofia R. Arguello
Johanna Rae Hudgens

Counsel for Defendant
Matthew Grimes